

EXHIBIT 34

20F
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY -
CRIMINAL PART
INDICTMENT NO. 95-07-0889
APP. DIV. NO.

STATE OF NEW JERSEY,

Complainant,

vs.

JAMIE FARTHING,

Defendant.

TRANSCRIPT

OF

SENTENCE

Place: Bergen County Courthouse
10 Main Street
Hackensack, New Jersey 07601

Date: November 3, 2000

B E F O R E:

HONORABLE TIMOTHY J. SULLIVAN, J.S.C.

TRANSCRIPT ORDERED BY:

Office of the Public Defender, Appellate Section

A P P E A R A N C E S:

PATRICIA BAGLIVI, ESQ.,
Assistant Prosecutor,
Attorney for the State.

JOHN L. WEICHSEL, ESQ.,
Attorneys for the Defendant.

Video recorded by: N/A

RAPID TRANSCRIPT SERVICE, INC.

Stefanie Lucas, Trainee

4 Elodie Lane

Randolph, New Jersey 07869

(973) 328-1730 FAX (973) 328-8016

I N D E X
11/3/00

ARGUMENT

By Mr. Weichsel
By Ms. Baglivi

Page

5, 16
15

Sentence

3

1 THE COURT: This is the matter of State of
2 New Jersey v. Jamie Farthing.

3 Have your appearances, Counsels?

4 MS. BAGLIVI: Patricia Baglivi, Assistant
5 Prosecutor for the State.

6 MR. WEICHSEL: John Weichsel, 79 Main
7 Street, Hackensack for Jamie Farthing.

8 THE COURT: All right. The Appellate
9 Division after reviewing the trial --

10 (Court confers with clerk)

11 THE COURT: -- ruled that the -- Ms.
12 Farthing, who was found guilty of purposely and
13 knowingly murdering the victim in this case have
14 reversed that particular conviction. They found that
15 the conviction for kidnapping, armed robbery,
16 possession of a weapon for unlawful purposes
17 involving the Graves Act and possession of a weapon
18 and felony murder to be affirmed.

19 However, they did find that the jury
20 finding of the purposely and knowing murder would be
21 remanded for a new trial. Just that particular
22 charge or count and any merging that the Court had
23 done at the time of sentence as the -- using the term
24 of the Appellate Division, they unmerged. I think
25 that's a new word, unmerged, but -- a word I'm not

1 familiar with.

2 Anyway, they unmerged it and they did
3 indicate, I'll read for the record. The Appellate
4 Division says, "We, thus, conclude that the defendant
5 was fairly convicted of two counts of first degree
6 kidnapping; two counts of first degree robbery; two
7 counts of possession of a firearm for an unlawful
8 purpose; two counts of possession of a handgun
9 without a permit; and two counts of felony murder."

10 "We reject the defendant's remaining
11 arguments as they pertain to those counts. We
12 unmerge the defendant's conviction for felony murder
13 during -- committed during the robbery. The State
14 may choose to retry the defendant for purposeful and
15 knowing murder or stand pat with the convictions we
16 have affirmed."

17 "If the State chooses not to retry the
18 defendant for purposeful or knowing murder, it will
19 be necessary for the trial court --" that's here, "--
20 to recast the aggregate sentence imposed. We, thus,
21 need not address defendant's claim that the sentence
22 is excessive." No. That was another claim. "The
23 judgment is affirmed in part, remanded in part. The
24 matter is remanded to the Law Division for further
25 proceedings consistent with this opinion."

Sentence

5

1 Is there any question about the Appellate
2 Division's opinion, Counsel?

3 MS. BAGLIVI: No, Judge.

4 THE COURT: You understand this? Any
5 questions to your client?

6 MR. WEICHSEL: I understand the opinion.
7 However, there was one issue raised by Ms. Farthing's
8 Appellate counsel before the Appellate Division,
9 which they did not reach because of their ruling on
10 purposely and knowing murder and that is, you had
11 sentenced Ms. Farthing to a consecutive sentence on
12 one of the kidnapping charges and at your sentencing,
13 you had indicated that you believed that a
14 consecutive sentence on that kidnapping was mandatory
15 based on N.J.S.A. 3C:13-1C(2). But that only
16 requires the imposition --

17 THE COURT: Where are you reading this
18 from?

19 MR. WEICHSEL: I'm reading this from a
20 letter from the Appellate counsel, Judge.

21 But --

22 THE COURT: To whom?

23 MR. WEICHSEL: To me.

24 THE COURT: All right.

25 MR. WEICHSEL: Okay.

Sentence

6

1 THE COURT: Did he not raise that before
2 the
3 Appellate Division?

4 MR. WEICHSEL: Raised it to the Appellate
5 Division. They did not reach it because --

6 THE COURT: Well, you'd better go talk to
7 them.

8 MR. WEICHSEL: -- they were remanding the
9 case to you, Judge, and they didn't deal with the
10 issue, but I'd like to raise it here, Judge, because
11 there is no --

12 THE COURT: No, no. If it's before the
13 Appellate Division -- he raised it before the
14 Appellate Division, that's where it stays. I'm not
15 going to now answer that question. This is not
16 appeal court. You are not appealing that.

17 MR. WEICHSEL: Well --

18 THE COURT: And that issue is not before
19 the Court. It's not on appeals. I can't appeal --
20 or decide issues of appeal on my own decision. I
21 understand what you're saying. If he wants to raise
22 it again before the Appellate Division, maybe --
23 thinking that they hadn't reached it, but they --

24 MR. WEICHSEL: Well, apparently, Judge,
25 they did not reach it and they did not discuss it

Sentence

7

1 because the case is being remanded to you for
2 resentencing, Judge, and --

3 THE COURT: Only on one issue. On Count
4 One, knowingly and purposely murder.

5 MR. WEICHSEL: What I would ask --

6 THE COURT: It's being remanded here.

7 MR. WEICHSEL: Then I would ask to be able
8 to make a record on this issue.

9 THE COURT: Oh. You're -- then you're
10 talking about the fact that the Appellate Division
11 says I have to restructure on --

12 MR. WEICHSEL: That's --

13 THE COURT: -- that issue?

14 MR. WEICHSEL: That's correct, Judge.

15 THE COURT: Okay. I understand what
16 you're saying.

17 MR. WEICHSEL: And apparently the statute
18 the you relied on, which is N.J. 2C:13-1.

19 THE COURT: I'm sorry.

20 MR. WEICHSEL: N.J.S.A. --

21 THE COURT: I wish you would have brought
22 this to my attention before today, you know.

23 MR. WEICHSEL: I'm sorry, Judge.

24 THE COURT: You're dropping it on me here.
25 Like, I have to go and do some research. You know,

Sentence

8

1 that's really unfair.

2 MR. WEICHSEL: Judge, if you want me to
3 brief it, I'd be glad to do that. We could, you
4 know, postpone -- I don't know --

5 THE COURT: Then we just put the whole
6 matter off again for another three, four months. I -
7 - you know, I set this matter down months and months
8 ago so that we could review it, if there was anything
9 that had to be done, but I'll hear you what you have
10 to say and I'll see if it has any merit to it.

11 MR. WEICHSEL: Judge, the statute which
12 you relied on to impose the consecutive kidnapping
13 sentence, which is N.J.S.A 2C:13- --

14 THE COURT: I'm sorry. N.J?

15 MR. WEICHSEL: S.A. 2C:13-1C (2) only
16 requires the imposition of a consecutive sentence
17 when you're -- when the defendant would be convicted
18 of the killing of a child less than 16 years of age
19 during a kidnapping. The victim in this case --

20 THE COURT: Now wait a minute. Wait a
21 minute. We have two kidnappings here, do we not?
22 No. One.

23 MS. BAGLIVI: Two different victims.

24 MR. WEICHSEL: Two different --

25 THE COURT: Yeah. Two different --

Sentence

9

1 MR. WEICHSEL: -- victims.

2 THE COURT: -- victims.

3 MR. WEICHSEL: That's correct, but neither
4 one of the victims was under the age of 16 and the --
5 the ruling only talking about the kidnapping of Mr.
6 Politas (phonetic) because the statute you rely on
7 talks about the killing of a child less than 16 years
8 old.

9 THE COURT: Well, these are two crimes
10 committed two separate days, two separate cities --

11 MR. WEICHSEL: That's correct.

12 THE COURT: -- and I can't run it
13 consecutive because one of the victims was not a
14 child?

15 MR. WEICHSEL: I believe the one you ran
16 consecutively, Judge, was the kidnapping of Mr.
17 Politas, but I could be wrong and he's the victim
18 that was murdered.

19 THE COURT: But if I did it the other way,
20 it would work?

21 MR. WEICHSEL: I assume it would, Judge.

22 THE COURT: Yeah.

23 MR. WEICHSEL: You know --

24 THE COURT: Your logic leads me to that
25 conclusion. Yeah. All right.

Sentence

10

1 Do you have anything else you want to say?

2 You're saying that the statute -- a consecutive
3 kidnapping has to be -- is it correct, you said it
4 has to be someone under the age of 16?

5 MR. WEICHSEL: Consecutive kidnapping in
6 the case of a murder -- a kidnapping where there's a
7 murder, Judge.

8 THE COURT: Does it have to run
9 consecutive to the murder?

10 MR. WEICHSEL: Excuse me?

11 THE COURT: You're going to have to run it
12 consecutive to the murder?

13 MR. WEICHSEL: Only mandatory if the
14 victim's under 16.

15 THE COURT: If that's consecutive to the
16 murder?

17 MR. WEICHSEL: Consecutive to the murder,
18 Judge, yes.

19 THE COURT: Okay. Now we're getting the
20 knowingly and purposely murder out.

21 MR. WEICHSEL: That's correct, Judge.

22 THE COURT: Can't I run the consecutive --
23 the kidnapping of Politas with the kidnapping of --

24 MR. WEICHSEL: Of Hipman (phonetic)?

25 THE COURT: -- of -- what's his name?

Sentence

11

1 MR. WEICHSEL: Mr. Hipman.

2 THE COURT: Is it Hipman?

3 MS. BAGLIVI: Hipman.

4 MR. WEICHSEL: Yeah.

5 THE COURT: I forgot the name already, the
6 victim.

7 MR. WEICHSEL: If the Court chooses in its
8 discretion to do that, obviously, the Court should do
9 it.

10 THE COURT: Yeah. I kind of think that's
11 the way I did it. I ran two consecutive -- I ran the
12 consecutive kidnappings because there were two
13 separate days, two separate victims and two separate
14 events. So, therefore, they ran -- I ran it
15 consecutive. Not because it was consecutive to the
16 murder. I don't think -- maybe he's -- that wasn't
17 my understanding. I have my notes here, but is there
18 anything else, Mr. Weichsel?

19 MR. WEICHSEL: Judge, I would just --

20 THE COURT: With regard to the opinion.

21 MR. WEICHSEL: Not with regard to the
22 opinion, Judge.

23 THE COURT: Do you have any -- any
24 comments on the opinion itself? Do we understand
25 it? I mean, there's no questions as to what the --

Sentence

12

1 MS. BAGLIVI: No.

2 THE COURT: -- Appellate Division --

3 MS. BAGLIVI: I just wanted to be heard on
4 the sentence.

5 THE COURT: All right. Well, then I'll
6 give you a chance to respond on the sentence then.
7 I'm going to impose a sentence, Mr. -- do you want to
8 be heard?

9 MR. WEICHSEL: I would. I would like --

10 THE COURT: Yeah.

11 MR. WEICHSEL: -- to, Judge.

12 THE COURT: All right. Why don't we hear
13 you then?

14 MR. WEICHSEL: Jamie, Jamie Farthing is
15 now 24 years old. She's been incarcerated since
16 she's 18 years old. The Court's original sentence
17 was a sentence of life, plus 60 years, with a 40-year
18 period of parole ineligibility.

19 THE COURT: All right. Before we do that,
20 let's -- I think we're going ahead. We have to just
21 find out what the State's going to do.

22 MS. BAGLIVI: Judge, I --

23 THE COURT: The Appellate Division has
24 laid it out and said what's the State -- what they
25 choose to do -- so if they want to stand pat. What's

1 your position?

2 MS. BAGLIVI: Well, Judge, at the end of
3 the sentencing, my intentions were to dismiss the
4 murder because she's going to be sentenced on the
5 felony murder. I would assume, I mean, murder --
6 felony murder and murder are both 30 years to life,
7 30 years without parole. I mean, I don't assume Mr.
8 Weichsel is making an argument for anything less than
9 the 30 years without parole. And if that's the case,
10 then that's --

11 THE COURT: What is -- is the position of
12 the State at this time that they're going to stand
13 pat or to retry the purpose and knowing murder?
14 That's really the question.

15 MS. BAGLIVI: There would be no reason to
16 since she is still convicted of a felony murder. But
17 I don't know what his argument is. I don't -- I
18 haven't heard it yet.

19 THE COURT: All right. I'll leave that
20 door open for you, but --

21 MS. BAGLIVI: Okay.

22 THE COURT: -- the position, at least at
23 this juncture, is that the State doesn't intend to
24 pursue the --

25 MS. BAGLIVI: That's correct. I spoke to

Sentence

14

1 the family --

2 THE COURT: -- purposely --

3 MS. BAGLIVI: -- and I -- we discussed it.

4 There doesn't seem to be any reason to. I mean,
5 felony murder or murder carry the same sentence.

6 THE COURT: All right. So the State's
7 prepared to dismiss that count?

8 MS. BAGLIVI: Correct.

9 THE COURT: And then we will proceed as to
10 sentencing with regard to the other matters.

11 MS. BAGLIVI: Correct. Well --

12 MR. WEICHSEL: Yes.

13 MS. BAGLIVI: -- the one other count,
14 felony murder. That's the only thing you have to
15 resentence. Everything else stands. Felony murder
16 and murder --

17 THE COURT: Everything else stands.
18 Felony murder --

19 MS. BAGLIVI: Felony murder had merged
20 into murder and you sentenced her on the murder and
21 now you have to sentence her on the felony murder.

22 THE COURT: And the -- it's mandatory 30
23 years?

24 MS. BAGLIVI: Correct. It's minimum.

25 THE COURT: So --

1 MR. WEICHSEL: Correct, Judge.

2 THE COURT: Do you understand what we're
3 talking about, Ms. Farthing?

4 MR. WEICHSEL: Jamie, understand?

5 THE COURT: Now the State is prepared to
6 dismiss the first count, which was the knowing and
7 purposely murder and you've got a chance -- have you
8 had a chance to read the Appellate opinion on this
9 matter, which was --

10 Did you get a chance to --

11 THE DEFENDANT: Yes, I read it.

12 THE COURT: All right. So basically --
13 it was 33 pages -- but basically what they said was
14 what your psychologist had testified to -- Dr.
15 Appolito (phonetic) -- that you were not in the frame
16 of mind to have the requisite intent to commit
17 knowingly and purposely. That was the position that
18 he had taken and there was evidence put in by the
19 State which was structured in such a way that it was
20 improper.

21 I think it was Dr. Shimmering (phonetic)
22 who had used other sources, which were your
23 codefendants. So the Appellate Division made that
24 decision that knowingly and purposely was -- finding
25 by this -- by the jury was based upon improper

1 evidence presented before them.

2 The Appellate Division then said that,
3 well, everything else was okay, you know, in the case
4 that went to the jury properly. So the State then
5 would have the option -- they remanded, set that
6 particular count aside, sent the matter back and now
7 the State is indicating that its not going to pursue
8 that purposely/knowingly, which was the life
9 sentence. So that will be gone.

10 However, there is a mandatory sentence
11 when it comes to felony murder, which is -- you were
12 convicted of. In fact, you were convicted of felony
13 murder on two counts, Eight and Nine, which was --

14 THE DEFENDANT: Felony murder was only one
15 count.

16 THE COURT: No, it was for the armed
17 robbery and the kidnapping.

18 MR. WEICHSEL: Kidnapping. Felony and
19 kidnapping merged.

20 THE DEFENDANT: Sorry.

21 THE COURT: Kidnapping is also a felony,
22 but they merged.

23 MR. WEICHSEL: They merged.

24 THE COURT: It'll be -- and you're subject
25 to 30 years. I just want to make sure you understand

1 what we're doing.

2 THE DEFENDANT: Yeah, I understand.

3 THE COURT: Okay. And you've talked it
4 over with her, Mr. Weichsel?

5 MR. WEICHSEL: This morning, Judge.

6 THE COURT: Okay. And do you have anything
7 you want to say before I impose the sentence?

8 MR. WEICHSEL: No, Judge.

9 THE COURT: How about you, Ms. Farthing?
10 Anything?

11 The State?

12 MS. BAGLIVI: Judge, I would just ask that
13 you impose the same sentence that you imposed on the
14 murder count, which was life, 30 years without
15 parole. A felony murder is -- I mean, it's the same
16 sentencing guidelines. Your Honor, put your findings
17 on the record at the time of the sentencing on this
18 case regarding the aggravating and mitigating
19 factors.

20 The only thing different here now that
21 Your Honor didn't have before you back then was the
22 fact that the defendant has now been convicted of a
23 second murder in New York. At the time she was here
24 in New Jersey, it was just the one murder. She
25 subsequently pled guilty to that murder in New York

Sentence

18

1 and I believe she's doing a sentence in -- concurrent
2 with New York -- with New Jersey? Or consecutive?

3 THE DEFENDANT: It's concurrent.

4 MR. WEICHSEL: Concurrent.

5 MS. BAGLIVI: It's concurrent. So she now
6 stands convicted of that second murder. So I would
7 ask that you do in fact impose the life, the 30 years
8 without parole and regarding Mr. Weichsel's argument
9 about the consecutive and concurrent. Whether it was
10 discretionary or mandatory, Your Honor put your
11 reasons on the record why you felt that the
12 consecutive sentences were appropriate in the case.

13 And I ask that you leave everything else
14 alone in this case and just sentence her life, 30
15 years without parole on the felony murder of the
16 robbery. The felony murder, kidnapping would just
17 merge into the other felony murder. At the end of
18 the sentencing, the State would move to dismiss that
19 other count of murder, Count Seven.

20 MR. WEICHSEL: Judge, I would ask the
21 Court to impose a 30 year sentence with a 30-year
22 period of parole ineligibility, rather than 30 to
23 life. Ms. Farthing is now 24 years old. She's taken
24 advantage of every opportunity in prison. She is
25 doing tutoring. She's in Bible classes. She's

1 getting psychological counseling. She's getting
2 anger management counseling.

3 This is something that, obviously, she's
4 extremely remorseful for. Your Honor knows her quite
5 well and I would just ask the Court to seriously
6 consider a 30-year sentence with a 30-year period of
7 parole ineligibility.

8 THE COURT: Let me hear from you, Ms.
9 Farthing. Tell me what's going on in your life now,
10 in prison and why I should not put you away for the
11 rest of your life? You have a window here. You have
12 an opportunity to tell me. Can you talk to me?

13 THE DEFENDANT: Yes. I'm only 24 and I
14 want a life.

15 MR. WEICHSEL: Jamie, just tell the Judge
16 what you told me downstairs in terms of what you're
17 doing.

18 THE DEFENDANT: It doesn't mean that much.
19 All I do is just like tutor. I take a bunch of
20 classes and stuff like that, but it doesn't make up
21 my past, but I just want things in life. I want to
22 have kids. I want to have a husband and this stuff
23 and if I'm locked up for the rest of my life, I'll
24 never have that.

25 THE COURT: What about these events?

Sentence

20

1 THE DEFENDANT: It's just --

2 THE COURT: Have you had a chance to think
3 about these events?

4 THE DEFENDANT: I mean, I can't change
5 them.

6 THE COURT: I know you can't change them,
7 but what are your thoughts about them?

8 THE DEFENDANT: I wish I never would have
9 came up there. I wish this never would have
10 happened. I wish there was something I could have
11 done. You know, maybe if I didn't come to New York,
12 none of this would have happened. I don't know.

13 THE COURT: Okay. Thanks.

14 I'm going to sentence you with regard to
15 the felony murder, which is what I think the
16 Appellate Division -- I -- as far as the kidnappings
17 are concerned, Mr. Weichsel, I'm, for the same
18 reasons I set forth on the record at the time I did
19 sentence Ms. Farthing. They will run consecutive.

20 I'm sorry. What sentence did I give them?
21 Thirty with a 10-year stip and the other one is --
22 no, that was it. Kidnapping, 30 years. They're
23 running concurrent. The concurrent sentences on the
24 kidnapping brings it up to 60. Is that what we're
25 talking about?

Sentence

21

1 MR. WEICHSEL: I think so, Judge. It
2 was -- the original sentence was life, plus 60, with
3 a 40-year period of parole ineligibility.

4 THE COURT: The plus 60 was the
5 kidnapping, correct?

6 MS. BAGLIVI: They were the crimes from
7 the night before. The armed robbery and the
8 kidnapping of Mr. Hipman, you ran those consecutive
9 to the murder the next night.

10 THE COURT: All right. So the murder's
11 out. You have felony murders on both of those.

12 Would you take Ms. Farthing down into the
13 holding cell? I just want to review this. I'm not
14 going to shoot from the hip on this. I want to
15 review some of these. It's just too big a thing and
16 it's not fair.

17 Mr. Weichsel, you're just going to have to
18 wait.

19 MR. WEICHSEL: Fine, Judge.

20 THE COURT: But I just want to review
21 exactly what options I have here and I'm not quite
22 sure I -- and I'm not going to just impose a sentence
23 because I don't want to rush it. It's as simple as
24 that. Okay?

25 Give me a few minutes on this. Let me

1 just move some of these people out of the courtroom
2 and then I'll get back to you.

3 (Unrelated court matters conducted)

4 THE COURT: Count Seven is going to be
5 dismissed and I will sentence her --

6 MS. BAGLIVI: Felony murder and robbery
7 and we'll dismiss the felony -- the other felony
8 murder? How can you -- you can't merge one felony
9 murder into another felony murder.

10 THE COURT: I already did that.

11 MS. BAGLIVI: I think I should just
12 dismiss one of the felony murder counts because I
13 don't think you can merge a felony murder into a
14 felony murder.

15 THE COURT: Eight and Nine were felony
16 murders.

17 MS. BAGLIVI: Right. So we'll sentence
18 her on one felony murder, the felony murder/robbery
19 and I'll --

20 THE COURT: But I already merged those.

21 MS. BAGLIVI: But you had to unmerge
22 according to the Appellate Division. You merged them
23 into the murder. So they're unmerged now, but you
24 can't sentence her -- unless you sentence her --

25 THE COURT: Okay. All right.

Sentence

23

1 MS. BAGLIVI: -- on two felony murders and
2 just run them concurrent.

3 THE COURT: So you're going to dismiss --

4 MS. BAGLIVI: No, Judge, I think it's
5 probably better to sentence her on two felony murders
6 and just concurrent them together.

7 THE COURT: 30 years concurrent.

8 MS. BAGLIVI: If that's your sentence.

9 THE COURT: Yeah. And that would be --

10 MS. BAGLIVI: But they have to be
11 concurrent.

12 THE COURT: -- Eight and Nine. Everything
13 else remains the same and you can raise the issue at
14 another time as excessiveness of sentence.

15 MR. WEICHSEL: Uh-huh.

16 THE COURT: Okay. And then -- because I
17 think they did not touch that.

18 MR. WEICHSEL: No. They didn't touch
19 that.

20 THE COURT: They said they do not have to
21 address the claim of the sentence is excessive and
22 that would be still available to you.

23 MS. BAGLIVI: So, Judge, what you're doing
24 is you're giving a 30 year sentence instead of a life
25 30?

Sentence

24

1 THE COURT: That's right.

2 On the record. Are there any more
3 arguments on this or discussion with regard to the
4 State. The State's going to -- why don't we
5 officially take the State's position as to what
6 they're going to -- they're going to dismiss?

7 MS. BAGLIVI: Judge, I do just have to
8 clear that because originally I thought you were just
9 going to switch the sentences and give the same
10 sentence. We've made it a little bit different. I
11 don't think there will be a problem and I'll just
12 send you a letter in writing to that effect, but I do
13 need to get clearance from downstairs.

14 THE COURT: For what?

15 MS. BAGLIVI: Because the sentence is a
16 little bit changed. The sentence is different.
17 Originally it was life, 60 years, 40 without parole.
18 Now my understanding is you're going to switch it to
19 just 30 years.

20 THE COURT: So what about the Appellate
21 Division asking the State to make -- take the
22 position, are they going to pursue the trial or not.
23 That's all I'm asking.

24 MS. BAGLIVI: Well, Judge, that's what I
25 don't know because originally, as I said I thought

Sentence

25

1 you were just going to switch. I didn't know Mr.
2 Weichsel was making all these arguments about
3 changing the sentence. I thought you were just --

4 THE COURT: All right. You go down and
5 get the permission.

6 Send her back to prison. We'll get
7 another date.

8 MR. WEICHSEL: Thank you.

9 THE COURT: Who do you have to ask?

10 MS. BAGLIVI: I have to check with my
11 superiors, Judge.

12 THE COURT: Your superiors?

13 MS. BAGLIVI: Mr. Schwanwede.

14 THE COURT: Yeah, well, why don't you
15 check with him and tell me what you're going to do.

16 MS. BAGLIVI: Yes, Judge.

17 MR. WEICHSEL: Judge, you're going to give
18 us a --

19 THE COURT: You go to Paris. I'll see you
20 another time, another place, another planet.

21 MS. BAGLIVI: Do you want to give us a
22 date now or wait?

23 THE COURT: No. Not until you guys are
24 ready. I don't even know when you're coming back. I
25 don't know when --

Sentence

26

1 MR. WEICHSEL: I'll be back --

2 THE COURT: -- I'm coming back.

3 MR. WEICHSEL: I'll be back here on the
4 13th, Judge.

5 THE COURT: Yeah, but I'm gone. I'm gone
6 until way into January. I thought we'd get this
7 matter taken care of.

8 (Proceedings concluded)

I, STEFANIE LUCAS, the assigned
transcriber, do hereby certify that the foregoing
transcript of proceedings in the Bergen County
Superior Court on November 3, 2000, Videotape, as
indexed by the Court, is prepared in full compliance
with the current Transcript Format for Judicial
Proceedings and is a true and accurate record of the
proceedings.

Stefanie Lucas, Trainee

Date:

6/8/01

Proofed by: Michele Vicaro, AD/T 352
RAPID TRANSCRIPT SERVICE, INC.